IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4348 of 2006()

CRA.34/2005 of ADDL.DISTRICT & SESSIONS COURT (ADHOC-I), PATHANAMTHITTA
CC.217/2001 of CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA

REVN. PETITIONERS: APPELLANTS/ACCUSED:

1. ABRAHAM @ KUTTAN,
LIC AGENT, S/O. SKARIAH, THOOKKANAL HOUSE,
MEKOZHOOR MURI, MYLAPRA VILLAGE,
KOZHENCHERRY TALUK.

2. WILSON VARGHESE,
DAILY WORKER, ACHANIYIL HOUSE, -DO- -DO-.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENTS: RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

PUBLIC PROSECUTOR SRI.KAMMAPPU
BY ADV. SRI.S.SANTOSH KUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 4348 OF 2006

Dated this the 7th day of December,2006

O R D E R

The petitioners were found guilty by the trial court for the offences under Sections 326 and 324 of the Indian Penal Code. On appeal by the accused, the Appellate Court set aside the conviction under Section 326 and confirmed the conviction under Section 324 of the Indian Penal Code.

2. Crl.M.A.No.12588 of 2006, filed by Pws.1 to 4 who are the injured persons as well as the revision petitioners for grant of leave to compound the offence was allowed.

Accordingly, the Criminal Revision Petition is allowed. The conviction and sentence imposed on the petitioners are set aside and the petitioners

are acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

K.T. SANKARAN, J.

CRL.M.A.NO. 12588 OF 2006

Dated this the 7th day of December,2006

O R D E R

This application is filed under Section 320(6) of the Code of Criminal Procedure for granting leave to compound the offence under Section 324 of the Indian Penal Code. The application is signed by Pws.1 to 4 who are the injured persons as well as by the revision petitioners/accused.

2. The trial court convicted and sentenced the petitioners for the offences under Sections 326 and 324 of the Indian Penal Code. On appeal by them, the conviction under Section 326 was set aside and the conviction under Section 324 was confirmed.

3. A perusal of the judgments would indicate that the injured as well as the revision petitioners belonged to different political parties

and dispute arose in respect of an election. Now the matter has been settled between the partites.

In the facts and circumstances of the case, leave is granted to compound the offence. Accordingly, the application is allowed.

(K.T.SANKARAN)
Judge

ahz/